

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TRUSTEES OF THE CHICAGO )  
PAINTERS AND DECORATORS )  
PENSION, HEALTH AND WELFARE, )  
DEFERRED SAVINGS, ) No. 08 C 2407  
APPRENTICESHIP, SCHOLARSHIP, )  
AND JOINT COOPERATION ) Judge Norgle  
TRUST FUNDS, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
MCPARTLAND & MCPARTLAND, INC., )  
an Illinois corporation, )  
 )  
Defendant. )

**MOTION FOR DEFAULT AND FINAL JUDGMENT IN SUM CERTAIN**

Plaintiffs, by one of their attorneys, DONALD D. SCHWARTZ, JAMES R. ANDERSON, ANTHONY B. SANDERS and ARNOLD AND KADJAN, pursuant to F.R.C.P. 55, respectfully request this Honorable Court to enter an Order of Final Judgment in Sum Certain in favor of Plaintiffs and against Defendant, McPartland & McPartland, Inc.

In support thereof, Plaintiffs state:

1. This case was filed on April 28, 2008.
2. Defendant was served on May 6, 2008.
3. Since Defendant has not subsequently answered the Complaint or otherwise pled,

and an excess of 20 days having expired since Service of Process, this Court may grant Plaintiffs judgment in sum certain under F.R.C.P. 55(b)(2).

4. Plaintiffs' auditors have audited Defendant for the period August 1, 2007 through June 30, 2008.

5. Auditors Richard J. Wolf & Co. found that Defendant owes Plaintiffs \$69,271.63 in benefits, \$10,390.75 in liquidated damages, and \$765.00 in audit costs for the period August 1, 2007 through June 30, 2008. (See Wolf Affidavit, Exhibit "A," ¶¶ 3-4.)

6. The total amount due totals \$80,427.38.

7. As of this time Defendant has made no payments toward this amount.

**WHEREFORE**, Plaintiffs pray for:

1. The entry of final judgment against Defendant in the amount of \$80,427.38.
2. Retain jurisdiction to enforce the judgment.

Respectfully submitted,

**TRUSTEES OF THE CHICAGO PAINTERS  
AND DECORATORS PENSION, HEALTH  
AND WELFARE, AND DEFERRED SAVINGS  
PLAN TRUST FUNDS,**

By: /s/ Anthony B. Sanders  
One of their Attorneys

DONALD D. SCHWARTZ  
JAMES R. ANDERSON  
ANTHONY B. SANDERS  
ARNOLD AND KADJAN  
19 West Jackson Blvd.  
Chicago, Illinois 60604  
(312) 236-0415

## Exhibit A

IN THE UNITED STATES DISTRICT COURT  
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AFFIDAVIT

I, Richard J. Wolf, upon being first duly sworn, on oath deposes and states:

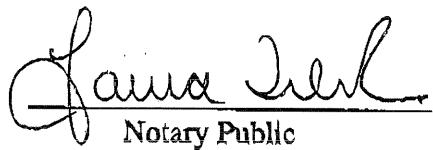
1. Affiant is President of the auditing firm of Richard J. Wolf and Company, Inc.
2. Our firm completed a compliance audit for the Painters & Decorators #14 Fringe Benefit Funds ("Funds") on McPartland & McPartland, Inc., for the period August 1, 2007 through June 30, 2008.
3. The audit found arrears owing to the Funds in the amount of \$69,271.63 in benefits and \$10,390.75 in liquidated damages.
4. Our firm charged the Painters & Decorators #14 Fringe Benefit Funds \$765.00 for services to perform the audit.
5. The total amount due based on the above amounts comes to \$80,427.38.
6. Affiant is not currently suffering any infirmities and is competent to testify to all the

foregoing.

FURTHER AFFIANT SAYETH NOT,

  
Richard J. Wolf

SUBSCRIBED AND SWORN TO  
before me this 19 day  
of August, 2008

  
Laura Trlak  
Notary Public



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Defendant. )

**ORDER OF FINAL JUDGMENT IN SUM CERTAIN**

This matter coming to be heard upon Plaintiffs' Motion for Final Judgment in Sum Certain and the court being fully advised in the premises,

IT IS HEREBY ORDERED AS FOLLOWS:

1. That judgment is entered in favor of the Plaintiffs TRUSTEES OF THE CHICAGO PAINTERS AND DECORATORS FRINGE PENSION, WELFARE, SAVINGS, APPRENTICESHIP, SCHOLARSHIP, AND JOINT COOPERATION TRUST FUNDS and against the Defendant McPartland & McPartland, Inc., in the amount of \$80,427.38.
2. This Court retains jurisdiction to enforce this judgment.
3. This is a final and appealable order.

DATED: \_\_\_\_\_

ENTER: \_\_\_\_\_  
HONORABLE JUDGE NORGL

DONALD D. SCHWARTZ  
JAMES R. ANDERSON  
ANTHONY B. SANDERS  
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